



STATE OF DELAWARE
EXECUTIVE DEPARTMENT
OFFICE OF
STATE PLANNING COORDINATION

May 16, 2005

Mr. Randy Duplechain
Davis, Bowen & Friedel
23 N. Walnut Street
Milford, DE 19963

RE: PLUS review – PLUS 2005-04-12; Home Depot of Seaford

Dear Mr. Duplechain:

Thank you for meeting with State agency planners on April 27, 2005 to discuss the proposed plans for the Home Depot to be located on Route 13 and 13A within the City of Seaford. According to the information received, you are seeking a rezoning of 14.279 acres for the purpose of building a 133,000 square foot Home Depot.

Please note that changes to the plan, other than those suggested in this letter, could result in additional comments from the State. Additionally, these comments reflect only issues that are the responsibility of the agencies represented at the meeting. The developers will also need to comply with any Federal, State and local regulations regarding this property. We also note that as The City of Seaford is the governing authority over this land, the developers will need to comply with any and all regulations/restrictions set forth by the City.

Executive Summary

The following section includes some site specific highlights from the agency comments found in this letter. This summary is provided for your convenience and reference. The full text of this letter represents the official state response to this project. ***Our office notes that the applicants are responsible for reading and responding to this letter and all comments contained within it in their entirety.***

State Strategies/Project Location

- The proposal is located within Investment Levels 1 and 2 according to the Strategies for State Policies and Spending and within the City of Seaford. State

policies generally support development activities within Investment Levels 1 and 2.

Project Design and Transportation

- We recommend that the developer use an architectural style that is appealing and in keeping with the character of Seaford. Several examples of attractive architecture for chain retailers are available in our *Better Models for Development in Delaware* book.
- The left turn ingress from northbound Route 13 will be acceptable, if a note is placed on the record plan giving DelDOT the prerogative to have the developer eliminate left turn access if operational problems develop which would require a signal as the solution.
- To accommodate pedestrians and bicyclists, the developer should be required to provide sidewalks, crosswalks and shoulders on the entire length of the site frontage on Bridgeville Highway. Bicycle parking should be provided in a safe, well-lit location near an employee entrance to the store.
- Preliminarily, it appears that the south entrance proposed on Bridgeville Highway is too far south. It is generally unacceptable for an entrance radius to begin beyond the property line because it affects the adjoining property. This will require further review.
- This parcel lies between two National Register-listed properties on Bridgeville Hwy, the Hearn & Rawlins Mill (S-213) and Lawrence (S-194). Additional large truck traffic on this road moving past these properties would introduce noise and, especially at the mill, possible structural damage from vibration. The SHPO understands from the Home Depot representative, however, that large delivery trucks will come down Rt. 13 and enter from the front, or else turn at Herring Run Rd. to access the back entrances. They are urged to maintain this pattern.

Natural and Cultural Resources

- Given the environmentally sensitive nature of this watershed, the Department believes that the applicant should devote more effort to the implementation of innovative efforts or BMPs to reduce impervious cover. Using pervious materials in lieu of impervious paving surfaces (asphalt or concrete), can significantly reduce the amount of pollutant-laden surface runoff likely to enter waters of this watershed.

The following are a complete list of comments received by State agencies:

Office of State Planning Coordination – Contact: Ann Marie Townshend 739-3090

The Office of State Planning Coordination notes that the proposal is located within Investment Levels 1 and 2 according to the Strategies for State Policies and Spending and within the City of Seaford. State policies generally support development activities within Investment Levels 1 and 2.

We recommend that the developer use an architectural style that is appealing and in keeping with the character of Seaford. Several examples of attractive architecture for chain retailers are available in our *Better Models for Development in Delaware* book.

State Historic Preservation Office (SHPO) – Contact: Alice Guerrant 739-5685

Nothing is known on this parcel. It is adjacent to two historic houses. Beers Atlas of 1868 shows the J.H. Brown House somewhere in this vicinity. There are areas of high potential for prehistoric archaeological sites as well. The State Historic Preservation Office would be happy to work with Home Depot to see if in fact there are any archaeological sites on this parcel and perhaps to recover some information from them before construction. They also request that Home Depot include appropriate landscaping to screen the view of this development from the neighboring historic houses.

The primary concern with this development is that it lies between two National Register-listed properties on Bridgeville Hwy, the Hearn & Rawlins Mill (S-213) and Lawrence (S-194). Additional large truck traffic on this road moving past these properties would introduce noise and, especially at the mill, possible structural damage from vibration. The SHPO understands from the Home Depot representative, however, that large delivery trucks will come down Rt. 13 and enter from the front, or else turn at Herring Run Rd. to access the back entrances. They are urged to maintain this pattern.

Department of Transportation – Contact: Bill Brockenbrough 760-2109

- 1) Bridgeville Highway is classified as a collector road. The plan shows Bridgeville Highway as having a 60-foot wide right-of-way. DelDOT's policy is to require dedication of sufficient land to provide a minimum right-of-way width of 40 feet from the centerline on collector roads. Therefore we will require right-of-way dedication to provide any additional width needed from this project. If the 60-foot figure is correct and the road is centered in the right-of-way, that would be an additional ten feet.
- 2) A traffic impact study is in progress for the subject development. When it has been completed and reviewed, DelDOT will comment directly to the City regarding it. They would urge the City not to approve the plan for the project until they have the recommendations based on that study.

- 3) DelDOT has identified two significant errors on the PLUS form. First, Bridgeville Highway was identified as a one-way road. It is a two-way road. Second, it was indicated that the development's road frontage is not subject to the Corridor Capacity Preservation Program. As discussed below, it is.
- 4) US Route 13 is subject to the Corridor Capacity Preservation Program, a legislatively mandated program through which DelDOT seeks to preserve the capacity of certain arterial highways by managing access along them. The developer's representatives have already met with DelDOT regarding access and the plan accompanying the PLUS form generally conforms to their mutual understanding for access. The left turn ingress from northbound Route 13 will be acceptable, if a note is placed on the record plan giving DelDOT the prerogative to have the developer eliminate left turn access if operational problems develop which would require a signal as the solution.
- 5) To accommodate pedestrians and bicyclists, the developer should be required to provide sidewalks, crosswalks and shoulders on the entire length of the site frontage on Bridgeville Highway. Bicycle parking should be provided in a safe, well-lit location near an employee entrance to the store.
- 6) Comment 4 above notwithstanding, DelDOT has several comments on the proposed site access:
 - a) DelDOT is pleased to see what appear to be stub driveways to all of the adjoining parcels. There is an easement shown on the main driveway from Route 13, which easement would be granted by the owners of the adjoining property, Leon E. & Jeraldine M. Brown, and would be necessary for that access to be built. DelDOT recommends that the easements being granted by the developer, for the use of the stub driveways, also be shown on the plan. For clarity, it might be better to describe them in notes rather than showing them with crosshatching.
 - b) Preliminarily, it appears that the north entrance proposed on Bridgeville Highway is too wide. This will require further review.
 - c) Again preliminarily, it appears that the south entrance proposed on Bridgeville Highway is too far south. It is generally unacceptable for an entrance radius to begin beyond the property line because it affects the adjoining property. This will require further review.
- 7) DelDOT recommends that landscaping be provided in the parking lot to mitigate the heat island effect associated with a lot of the size proposed.

- 8) The Delaware Transit Corporation (DTC) operates DART Bus Route 212, which provides service from Laurel to Georgetown by way of Seaford and Bridgeville. That service passes by the subject development on Route 13 seven times daily, Monday through Friday and could be useful to Home Depot employees. DelDOT recommends that the developer include bus amenities such as a pad and possibly a shelter in their plans. The developer may contact Mr. David Dooley, a DTC service development planner, at (302) 577-3278, ext. 3464, to discuss what amenities would be most appropriate and where they should be located.
- 9) DelDOT concurs with the Soil Conservation Service's comments regarding the proposed storm water management pond. DelDOT will require a 20-foot minimum buffer between the ultimate right-of-way and the top of slope of the pond. It is recommended that the pond be located further from the road. The runoff from the site must be managed and if the developers' engineer submits calculations, demonstrating to our satisfaction that the rate and volume of the post-development runoff would not exceed the rate and volume of the pre-development runoff, then discharge to the roadside ditch will be permitted.
- 10) The developer's site engineer should contact our Subdivision Manager for Sussex County, Mr. John Fiori, regarding our requirements for access. Mr. Fiori may be reached at (302) 760-2260.

**The Department of Natural Resources and Environmental Control – Contact:
Kevin Coyle 739-3091**

Soils

According to the Sussex County soil survey Sassafras, Woodstown, and Fallsington were mapped in the immediate vicinity of the proposed construction. Sassafras is a well-drained upland soil that, generally, has few limitations for development. Woodstown is a moderately well-drained soil of low-lying uplands that has moderate limitations for development. Fallsington is poorly-drained wetland associated (**hydric**) soil that has severe limitations for development.

Wetlands

The applicant should be reminded that they must avoid construction/filling activities in those areas containing wetlands or wetland associated hydric soils, as they are subject to regulatory provisions of the Federal Clean Water Act 404 program governing jurisdictional wetlands. It is strongly recommended that an Army Corps of Engineers (ACOE) approved wetlands delineation be conducted before commencing development.

It is also recommended that the Farm Services Agency of the USDA be contacted to assess whether the farmed wetlands on subject parcel meet the recognized criteria for classification as "prior converted wetlands." Prior converted wetlands are farmed

wetlands that have drained or altered before December 23, 1985, and no longer meet the wetland criteria established under the 404 program. Such wetlands are considered exempt from regulatory protection provided that there is no proof of a continuous “fallow period” of five years or greater in that parcel’s cropping history. Parcels converted after said date regardless of cropping history are considered jurisdictional by the Army Corps of Engineers (ACOE). The contact person for assessing a parcel’s cropping history is Sally Griffin at the USDA – she can be reached at 678-4182.

The applicant is strongly encouraged to maintain a 100-foot minimum buffer width from the landward edge of all delineated wetlands and/or watercourses (including ditches). In cases where natural buffer vegetation has been removed or reduced by past development or farming activities, the developer is encouraged to restore/establish to said buffer width or greater with native herbaceous and/or woody vegetation. A 100-foot minimum isolation distance should be maintained from all stormwater ponds.

ERES Waters

This project is located adjacent to environmentally sensitive receiving waters (Nanticoke River) of the Chesapeake Bay Watershed; designated as waters having Exceptional Recreational or Ecological Significance (ERES). ERES waters are recognized as special assets of the State, and shall be protected and/ or restored, to the maximum extent practicable, to their natural condition. Provisions in Section 11.5 of Delaware’s “Surface Water Quality Standards” (as amended August 11, 1999), specify that all designated ERES waters and receiving tributaries develop a “pollution control strategy” to reduce non-point sources of nutrient runoff through implementation of Best Management Practices (BMPs). Best Management Practices as defined in subsection 11.5(e) of this section, expressly authorizes the Department to provide standards for controlling the addition of pollutants and reducing them to the greatest degree practicable, or where attainable, a standard requiring no discharge of pollutants.

TMDLs

With the adoption of Total Maximum Daily Loads (TMDLs) as a “nutrient-runoff-mitigation strategy” for reducing nutrients in the Nanticoke River and Broad Creek drainages of the Chesapeake Bay Watershed, reduction of nitrogen and phosphorus loading will be obligatory. A TMDL is the maximum level of pollution allowed for a given pollutant below which a “water- quality limited water body” can assimilate and still meet water quality standards to the extent necessary to support use goals such as, swimming, fishing, drinking water and shell fish harvesting. In the Nanticoke River subwatershed, “target-rate-reductions” of 30 and 50 percent will be required for nitrogen and phosphorus, respectively.

Although TMDLs are authorized under federal code, states are charged with developing and implementing standards to support those desired use goals. The Jurisdictional authority for attaining these use goals fall under the auspices of Section 11.5 of the

State of Delaware's Surface Water Quality Standards (as amended August 11, 1999), and will be achieved via nutrient reductions referred to as "pollution control strategies."

In order for the applicant to verify compliance with the TMDL mandate, a full nutrient accounting process known as nutrient budget should be prepared. The developer/consultant should contact Lyle Jones (739-4590) in the Department's Watershed Assessment Section for further information regarding the acceptable protocol for performing this calculation.

The developer is encouraged to employ BMPs (or other pollution control strategies) such as stormwater management and riparian buffers to mitigate nutrient runoff into adjoining streams or watercourses.

Impervious Cover

Given the environmentally sensitive nature of this watershed, the Department believes that the applicant should devote more effort to the implementation of innovative efforts or BMPs to reduce impervious cover. Using pervious materials in lieu of impervious paving surfaces (asphalt or concrete), can significantly reduce the amount of pollutant-laden surface runoff likely to enter waters of this watershed.

Water Supply

Should dewatering points be needed during any phase of construction, a dewatering well construction permit must be obtained from the Water Supply Section prior to construction of the well points. A zoning verification form will also need to accompany the application. In addition, a water allocation permit will be needed if the pumping rate will exceed 50,000 gallons per day at any time during operation.

All well permit applications must be prepared and signed by licensed water well contractors, and only licensed well drillers may construct the wells. Please factor in the necessary time for processing the well permit applications into the construction schedule. Dewatering well permit applications typically take approximately four weeks to process, which allows the necessary time for technical review and advertising.

Should you have any questions concerning these comments, please contact Rick Rios at 302-739-3665.

Recreation

It is recommended that sidewalks be built on this property. A complete system of sidewalks will: 1) fulfill the recreation need for walking and biking facilities, 2) provide opportunities for neighbors to interact in the community, and 3) facilitate safe, convenient off-road access to neighboring communities, parks, public mass transit stops, schools, stores, work, etc.

State Fire Marshal's Office – Contact: Duane Fox 302-856-5298

These comments are intended for informational use only and do not constitute any type of approval from the Delaware State Fire Marshal's Office. At the time of formal submittal, the applicant shall provide; completed application, fee, and three sets of plans depicting the following in accordance with the Delaware State Fire Prevention Regulation (DSFPR):

a. **Fire Protection Water Requirements:**

- Water distribution system capable of delivering at least 1500 gpm for 2-hour duration, at 20-psi residual pressure is required. Fire hydrants with 800 feet spacing on centers.
- Where a water distribution system is proposed for (Mercantile) sites, the infrastructure for fire protection water shall be provided, including the size of water mains for fire hydrants and sprinkler systems.

b. **Fire Protection Features:**

- All structures over 10,000 Sq. Ft. aggregate will require automatic sprinkler protection installed.
- Buildings greater than 10,000 sq.ft., 3-stories of more or over 35 feet, or classified as High Hazard, are required to meet fire lane marking requirements.
- Show Fire Department Connection location (Must be within 300 feet of fire hydrant), and detail as shown in the DSFPR.
- Show Fire Lanes and Sign Detail as shown in DSFPR

c. **Accessibility**

- All premises which the fire department may be called upon to protect in case of fire, and which are not readily accessible from public roads, shall be provided with suitable gates and access roads, and fire lanes so that all buildings on the premises are accessible to fire apparatus. This means that the access road to the subdivision from Route 13 & 13-A must be constructed so fire department apparatus may negotiate it.
- Fire department access shall be provided in such a manner so that fire apparatus will be able to locate within 100 ft. of the front door.
- Any dead end road more than 300 feet in length shall be provided with a turn-around or cul-de-sac arranged such that fire apparatus will be able to turn around by making not more than one backing maneuver. The minimum paved radius of the cul-de-sac shall be 38 feet. The dimensions of the cul-de-sac or turn-around shall be shown on the final plans. Also, please be advised that parking is prohibited in the cul-de-sac or turn around.
- The use of speed bumps or other methods of traffic speed reduction must be in accordance with Department of Transportation requirements.

- The local Fire Chief, prior to any submission to our Agency, shall approve in writing the use of gates that limit fire department access into and out of the development or property.
- d. **Gas Piping and System Information:**
 - Provide type of fuel proposed, and show locations of bulk containers on plan.
- e. **Required Notes:**
 - Provide a note on the final plans submitted for review to read “ All fire lanes, fire hydrants, and fire department connections shall be marked in accordance with the Delaware State Fire Prevention Regulations”
 - Proposed Use
 - Alpha or Numerical Labels for each building/unit for sites with multiple buildings/units
 - Square footage of each structure (Total of all Floors)
 - National Fire Protection Association (NFPA) Construction Type
 - Maximum Height of Buildings (including number of stories)
 - Note indicating if building is to be sprinklered
 - Name of Water Provider
 - Letter from Water Provider approving the system layout
 - Provide Lock Box Note (as detailed in DSFPR) if Building is to be sprinklered
 - Provide Road Names, even for County Roads

Preliminary meetings with fire protection specialists are encouraged prior to formal submittal. Please call for appointment. Applications and brochures can be downloaded from our website: www.delawarestatefiremarshal.com, technical services link, plan review, applications or brochures.

Department of Agriculture - Contact: Mark Davis 739-4811

The Delaware Department of Agriculture and the Delaware Forest Service has no objections to this site at this time; however, the Delaware Forest Service encourages the developer to contact them if they have any questions concerning tree selection for the site since we recommend “The Right Tree for the Right Place”.

Public Service Commission - Contact: Andrea Maucher 739-4247

The information provided indicates that the City of Seaford Water & Sewer will provide water to the proposed projects through a central public water system. PSC files reflect that City of Seaford Water & Sewer does not currently hold a certificate of public convenience and necessity (CPCN) to provide public water in these areas. If this parcel was recently annexed, the City should contact the Public Service Commission to have this parcel included in their CPCN area.

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Any expansion of natural gas or installation of a closed propane system must fall within Pipeline Safety guidelines. Contact: Malak Michael at (302) 739-4247.

If the project connects to public wastewater services from the city , and the project lies outside of the service territory established in October 2004, then the City must update the information it filed with the Commission.

Delaware Economic Development Office – Contact Dorrie Moore 739-4271

The Delaware Economic Development Office supports the Home Depot project in Seaford.


Delaware Emergency Management Agency – Contact: Don Knox 659-3362

Due to the commercial development being proposed, an impact to public safety is foreseen by implementation of this project. The developer should notify the police, fire service, and emergency medical response organization serving the City of Seaford, to keep them apprised of all development activities.

Following receipt of this letter and upon filing of an application with the local jurisdiction, the applicant shall provide to the local jurisdiction and the Office of State Planning Coordination a written response to comments received as a result of the pre-application process, noting whether comments were incorporated into the project design or not and the reason therefore.

Thank you for the opportunity to review this project. If you have any questions, please contact me at 302-739-3090.

Sincerely,

A handwritten signature in dark ink, appearing to read "Constance C. Holland". The signature is fluid and cursive, with the first name "Constance" being more prominent.

Constance C. Holland, AICP
Director

CC: City of Seaford